

Justice System Appropriations Bill House File 2523

Last Action:

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Committee

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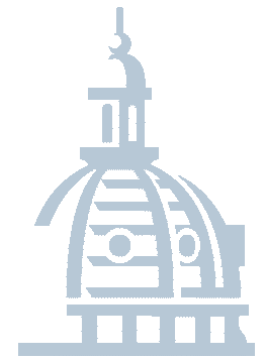
An Act relating to and making appropriations to the justice system, and including effective date provisions.

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available on line at <http://www3.legis.state.ia.us/noba/index.jsp>

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EXECUTIVE SUMMARY NOTES ON BILLS AND AMENDMENTS

HOUSE FILE 2523 JUSTICE SYSTEM APPROPRIATIONS BILL

FUNDING SUMMARY

MAJOR INCREASES, DECREASES, AND TRANSFERS OF EXISTING PROGRAMS

STUDIES AND INTENT LANGUAGE

- **GENERAL FUND:** Appropriates a total of \$484.1 million from the General Fund and 1,836.2 FTE positions to the Departments of Justice, Corrections, Inspections and Appeals, Public Defense, and Public Safety, the Iowa Law Enforcement Academy, Board of Parole, and the Civil Rights Commission. This is an increase of \$18.5 million and a decrease of 47.8 FTE positions compared to estimated net FY 2010. The Department of Corrections has 4,078.5 FTE positions in estimated FY 2010 that are not limited in this Bill. These FTE positions are included in the State budget system and are estimated to decrease by 365.9 FTE positions compared to estimated net FY 2010.
- **OTHER FUNDS:** Appropriates \$12.2 million and 27.0 FTE positions. This includes the following:
 - \$3.3 million and 27.0 FTE positions from the Department of Commerce Revolving Fund to the Office of the Consumer Advocate including an increase of \$197,000 for debt service.
 - \$8.9 million from the Gaming Enforcement Revolving Fund to the Department of Public Safety for gaming enforcement.
- Makes the following significant General Fund changes for FY 2010:
 - **Department of Justice - Legal Services Poverty Grants:** An increase of \$172,000 for a general increase. (Page 1, Line 33)
 - **Department of Corrections (DOC):** An increase of \$23.2 million to partially restore the FY 2010 across-the-board reduction. (Page 2, Line 34 through Page 10, Line 14)
 - **State Public Defender/Indigent Defense:** A net decrease of \$3.8 million for a general reduction. (Page 12, Line 29 through Page 13, Line 8)
 - **Department of Public Defense:** An increase of \$829,000 and 10.6 FTE positions, including:
 - An increase of \$625,000 and 10.7 FTE positions for the Military Division (Page 14, Line 24)
 - An increase of \$204,000 and a decrease of 0.10 FTE position for the Homeland Security and Emergency Management Division. (Page 15, Line 1)
 - **Department of Public Safety (DPS):** A decrease of \$2.0 million, including:
 - An increase of \$182,000 to Public Safety Administration. (Page 15, Line 24)
 - A decrease of \$6.2 million to the Division of Criminal Investigation (DCI). (Page 15, Line 29)
 - An increase of \$759,000 to the Division of Narcotics Enforcement. (Page 17, Line 6)
 - An increase of \$754,000 to the Fire Marshal's Office. (Page 17, Line 19)
 - An increase of \$3.9 million to the Iowa State Patrol. (Page 17, Line 30)
- Creates a Gaming Enforcement Revolving Fund under the control of the DPS appropriates receipts to the DPS for gaming enforcement activities. The appropriation is to be used to support 115.0 FTE positions in DPS. Provides for cash flow needs, and permits the ending balance and interest earned on the balance to remain in the Fund. Directs receipts from billings for gambling regulation to the Fund. (Page 19, Line 30 through Page 21, Line 35)
- Requires the DOC to use the John Bennett Facility at Fort Madison as either a prison facility or a Community-Based Corrections (CBC) facility. (Page 3, Line 12)
- Requires the DOC to employ two part-time nurses at the Luster Heights Prison Camp. (Page 3, Line 20)

**EXECUTIVE SUMMARY
NOTES ON BILLS AND AMENDMENTS**

**HOUSE FILE 2523
JUSTICE SYSTEM APPROPRIATIONS BILL**

**STUDIES AND INTENT LANGUAGE
(CONTINUED)**

- Requires the DOC to operate the Luster Heights Prison Camp at its 88-bed capacity. (Page 3, Line 25)
- Requires the DOC to spend at least \$238,000 on the therapeutic treatment community program at the Anamosa State Penitentiary and \$140,000 on the Dual Diagnosis Program in the First CBC District Department. (Page 3, Line 28 and Page 9, Line 16)
- Requires the DOC to use at least \$300,000 in canteen receipts for the Corrections Education Program. (Page 6, Line 24)
- Eliminates the Chief Security Officer in the DOC Central Office. (Page 8, Line 30)
- Permits the Iowa Law Enforcement Academy to temporarily exceed the amount appropriated and incur a negative cash balance for cash flow purposes, as long as equal receivables are anticipated at the close of the fiscal year. (Page 13, Line 24)
- Permits the Iowa Law Enforcement Academy to annually exchange five vehicles returned to the State Fleet Administrator by the DPS. (Page 13, Line 30)
- Permits the Military Division of the Department of Public Defense to temporarily exceed the amount appropriated and incur a negative cash balance for cash flow purposes, as long as equal receivables are anticipated at the close of the fiscal year. (Page 14, Line 30)
- Permits the Homeland Security and Emergency Management Division to temporarily exceed the amount appropriated and incur a negative cash balance for cash flow purposes, as long as equal receivables are anticipated at the close of the fiscal year. (Page 15, Line 7)
- Requires the Homeland Security and Emergency Management Division to work in conjunction with the Department of Public Safety on the Fusion Program. (Page 15, Line 13)
- Authorizes no more than \$200,000 from the Wireless E911 Emergency Communications Fund for FY 2011 to be used for administration of the Fund and to employ the State Auditor to perform an annual audit on the Fund. (Page 23, Line 29)
- Requires the DOC and DPS to make every effort to preserve correctional officer and peace officer positions through the reduction of administrative costs. (Page 24, Line 5)
- Provides for a waiver process for State agencies to purchase products from Iowa Prison Industries. (Page 19, Line 13)
- Requires the Department of Justice to retain no more than 10.0% of cash in certain forfeiture proceedings. (Page 22, Line 1)
- Increases the cap on the dollar value of inmate labor from \$50,000 per maintenance project to \$100,000 per maintenance project. (Page 22, Line 26)
- Permits the Chairperson of the Board of Parole to assume the duties of the Executive Director if necessary. (Page 22, Line 33)
- The provision eliminating the Chief of Security position in the DOC is effective on enactment. (Page 24, Line 11)

SIGNIFICANT CODE CHANGES

EFFECTIVE DATE

House File 2523 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section	Description
7	14	4.1(b)	Nwthstnd	Sec. 8.33	Nonreversion of Appropriation for Inmate Education Program
11	6	6	Nwthstnd	Sec. 8.39	Reallocation of Appropriations within the DOC and CBC District Departments
18	17	14.8	Nwthstnd	Sec. 8.33	Nonreversion of Volunteer Fire Fighter Training Funds
18	22	14.8	Nwthstnd	Sec. 8.39	Reallocation of Department of Public Safety Appropriations
19	13	16	Amends	Sec. 71, SF 2088	Iowa Prison Industries Waiver Process
19	30	17	Adds	Sec. 80.43(1)	Creates the Gaming Enforcement Revolving Fund
20	8	17	Adds	Sec. 80.43(2)	Cash Flow Language for Gaming Enforcement Revolving Fund
20	19	17	Nwthstnd	Sec. 8.33 and 80.43(3)	Nonreversion of Receipts in the Gaming Enforcement Revolving Fund
20	24	18	Nwthstnd	Sec. 8.60 and 99D.17	Directs Gambling Regulation Receipts to the Gaming Enforcement Revolving Fund
21	10	19	Nwthstnd	Sec. 8.60 and 99F.4	Directs Gambling Regulation Receipts to the Gaming Enforcement Revolving Fund
22	1	20	Amends	Sec. 809A.17(5)	Forfeited Property Receipts
22	26	21	Amends	Sec. 904.315(2), Code Supplement 2009	Cap on Use of Inmate Labor
22	33	22	Amends	Sec. 904A.4B	Board of Parole

1 1 Section 1. DEPARTMENT OF JUSTICE.

1 2 1. There is appropriated from the general fund of the state
1 3 to the department of justice for the fiscal year beginning July
1 4 1, 2010, and ending June 30, 2011, the following amounts, or
1 5 so much thereof as is necessary, to be used for the purposes
1 6 designated:

1 7 a. For the general office of attorney general for salaries,
1 8 support, maintenance, and miscellaneous purposes, including
1 9 the prosecuting attorneys training program, victim assistance
1 10 grants, office of drug control policy prosecuting attorney
1 11 program, and odometer fraud enforcement, and for not more than
1 12 the following full-time equivalent positions:
1 13 \$ 7,732,930
1 14 FTEs 232.50

1 15 It is the intent of the general assembly that as a condition
1 16 of receiving the appropriation provided in this lettered
1 17 paragraph, the department of justice shall maintain a record
1 18 of the estimated time incurred representing each agency or
1 19 department.

1 20 b. For victim assistance grants:
1 21 \$ 3,060,000

1 22 The funds appropriated in this lettered paragraph shall be
1 23 used to provide grants to care providers providing services to
1 24 crime victims of domestic abuse or to crime victims of rape and
1 25 sexual assault.

General Fund appropriation to the Department of Justice for the Office of the Attorney General, Prosecuting Attorney Training Program, Victim Assistance Grants, Office of Drug Control Policy, Office of Drug Control Policy Prosecuting Attorney Training Program, and Odometer Fraud Enforcement.

DETAIL: This is no change compared to estimated net FY 2010.

NOTE: Senate File 2088 (Government Reorganization and Efficiency Bill) provides an appropriation of \$60,000 and 1.00 FTE position to the Office of the Attorney General for enforcement of the False Claims Act.

Specifies that it is the intent of the General Assembly that the Department of Justice maintain a record of the estimated time incurred to represent each agency or department.

General Fund appropriation to the Department of Justice for the Victim Assistance Grants Program.

DETAIL: This is no change compared to estimated net FY 2010.

Requires Victim Assistance funds to be awarded as grants to providers of services for victims of domestic abuse, rape, and sexual assault.

1 26 The balance of the victim compensation fund established in
 1 27 section 915.94 may be used to provide salary and support of not
 1 28 more than 22 FTEs and to provide maintenance for the victim
 1 29 compensation functions of the department of justice.

Permits 22.00 FTE positions to be funded from the Victim Compensation Fund to administer the victim compensation functions of the Department of Justice.

DETAIL: Maintains the current level of FTE positions funded from the Victim Compensation Fund. Of the total FTE positions, 20.00 FTE positions are assigned to the Crime Victim Assistance Division and 2.00 FTE positions are assigned to the Office of the Attorney General, Area Prosecutions Division.

1 30 The department of justice may transfer moneys from the
 1 31 victim compensation fund established in section 915.94 to the
 1 32 victim assistance grant program.

Permits the Department of Justice to transfer funds from the Victim Compensation Fund to the Victim Assistance Grants Program in FY 2011.

1 33 c. For legal services for persons in poverty grants as
 1 34 provided in section 13.34:
 1 35 \$ 1,930,671

General Fund appropriation to the Department of Justice for the Legal Services Poverty Grants Program.

DETAIL: This is an increase \$171,500 compared to estimated net FY 2010 for a general increase.

2 1 2. a. The department of justice, in submitting budget
 2 2 estimates for the fiscal year commencing July 1, 2011, pursuant
 2 3 to section 8.23, shall include a report of funding from sources
 2 4 other than amounts appropriated directly from the general fund
 2 5 of the state to the department of justice or to the office of
 2 6 consumer advocate. These funding sources shall include but
 2 7 are not limited to reimbursements from other state agencies,
 2 8 commissions, boards, or similar entities, and reimbursements
 2 9 from special funds or internal accounts within the department
 2 10 of justice. The department of justice shall also report actual
 2 11 reimbursements for the fiscal year commencing July 1, 2009,
 2 12 and actual and expected reimbursements for the fiscal year
 2 13 commencing July 1, 2010.

Requires the Department of Justice, in submitting FY 2012 budget estimates, to submit a report to the Department of Management (DOM) that specifies the amount of funding from all sources other than the General Fund. The report is to include actual reimbursements from other fund accounts for FY 2010 and FY 2011.

2 14 b. The department of justice shall include the report

Requires the Department of Justice to submit a report that specifies the amount of funding from all sources other than the General Fund

2 15 required under paragraph "a", as well as information regarding
 2 16 any revisions occurring as a result of reimbursements actually
 2 17 received or expected at a later date, in a report to the
 2 18 co=chairpersons and ranking members of the joint appropriations
 2 19 subcommittee on the justice system and the legislative services
 2 20 agency. The department of justice shall submit the report on
 2 21 or before January 15, 2011.

and any revisions that occur as a result of actual reimbursements.
 The report is to be submitted to the Chairpersons and Ranking
 Members of the Justice System Appropriations Subcommittee and the
 Legislative Services Agency (LSA) by January 15, 2011.

2 22 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated
 2 23 from the department of commerce revolving fund created in
 2 24 section 546.12 to the office of consumer advocate of the
 2 25 department of justice for the fiscal year beginning July 1,
 2 26 2010, and ending June 30, 2011, the following amount, or so
 2 27 much thereof as is necessary, to be used for the purposes
 2 28 designated:
 2 29 For salaries, support, maintenance, miscellaneous purposes,
 2 30 and for not more than the following full=time equivalent
 2 31 positions:
 2 32 \$ 3,336,344
 2 33 FTEs 27.00

Department of Commerce Revolving Fund appropriation to the
 Department of Justice for the Office of the Consumer Advocate.

DETAIL: This is an increase of \$197,456 and no change in FTE
 positions compared to estimated net FY 2010 for debt retirement for
 the new Iowa Utilities Board/Office of the Consumer Advocate
 building.

2 34 Sec. 3. DEPARTMENT OF CORRECTIONS == FACILITIES.
 2 35 1. There is appropriated from the general fund of the state
 3 1 to the department of corrections for the fiscal year beginning
 3 2 July 1, 2010, and ending June 30, 2011, the following amounts,
 3 3 or so much thereof as is necessary, to be used for the purposes
 3 4 designated:
 3 5 For the operation of adult correctional institutions,
 3 6 reimbursement of counties for certain confinement costs, and
 3 7 federal prison reimbursement, to be allocated as follows:

3 8 a. For the operation of the Fort Madison correctional
 3 9 facility, including salaries, support, maintenance, and
 3 10 miscellaneous purposes:
 3 11 \$ 39,991,374

General Fund appropriation to the Department of Corrections (DOC)
 for the Fort Madison Correctional Facility.

DETAIL: This is an increase of \$2,988,151 compared to estimated
 net FY 2010 to partially restore the FY 2010 across-the-board

reduction.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$764,048 for the Fort Madison Correctional Facility.

3 12 As a condition of receiving an appropriation in this
3 13 lettered paragraph, the department of corrections shall operate
3 14 the John Bennett facility either as an institution of the
3 15 department or a community-based correctional facility.

Requires the DOC to operate the John Bennett Facility as either a prison or a Community-Based Corrections (CBC) facility.

DETAIL: The John Bennett Facility is a 152-bed medium security facility attached to the exterior wall of the Iowa State Penitentiary at Fort Madison.

3 16 b. For the operation of the Anamosa correctional facility,
3 17 including salaries, support, maintenance, and miscellaneous
3 18 purposes:
3 19 \$ 30,416,461

General Fund appropriation to the DOC for the Anamosa Correctional Facility.

DETAIL: This is an increase of \$2,143,956 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$543,179 for the Anamosa Correctional Facility.

3 20 As a condition of receiving the appropriation in this
3 21 lettered paragraph, the department of corrections shall employ
3 22 two part-time registered nurses at the Luster Heights facility,
3 23 and shall seek volunteer licensed medical personnel to serve at
3 24 the facility.

Requires the DOC to employ two part-time nurses at the Luster Heights Prison Camp and to seek volunteer licensed medical personnel to serve at that facility.

3 25 It is the intent of the general assembly that the department
3 26 of corrections fully operate the Luster Heights facility at the
3 27 facility's 88-bed capacity.

Directs the DOC to operate the Luster Heights facility at capacity.

DETAIL: The Luster Heights Prison Camp is an 88-bed minimum security facility located in the Yellow River Forest State Park.

3 28 As a condition of the moneys appropriated in this lettered

Requires the DOC to spend at least \$238,252 to maintain a

3 29 paragraph, the department of corrections shall replace expired
 3 30 federal funding by expending at least \$238,252 for continuation
 3 31 of a treatment program that prepares offenders for ongoing
 3 32 therapeutic treatment programs offered by the department and
 3 33 maintaining at least 4.75 FTEs for the program.

therapeutic treatment program.

3 34 Moneys appropriated in this lettered paragraph shall
 3 35 provide for one full-time substance abuse counselor for the
 4 1 Luster Heights facility for the purpose of certification of a
 4 2 substance abuse program at that facility.

Specifies that funds be provided for one substance abuse counselor at the Luster Heights Prison Camp.

4 3 c. For the operation of the Oakdale correctional facility,
 4 4 including salaries, support, maintenance, and miscellaneous
 4 5 purposes:
 4 6 \$ 55,755,246

General Fund appropriation to the DOC for the Oakdale Correctional Facility.

DETAIL: This is an increase of \$2,973,761 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$2,650,762 for the Oakdale Correctional Facility.

4 7 d. For the operation of the Newton correctional facility,
 4 8 including salaries, support, maintenance, and miscellaneous
 4 9 purposes:
 4 10 \$ 26,452,257

General Fund appropriation to the DOC for the Newton Correctional Facility.

DETAIL: This is an increase of \$1,222,203 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$526,181 for the Newton Correctional Facility.

4 11 e. For the operation of the Mt. Pleasant correctional
 4 12 facility, including salaries, support, maintenance, and
 4 13 miscellaneous purposes:

General Fund appropriation to the DOC for the Mount Pleasant Correctional Facility.

DETAIL: This is an increase of \$1,770,693 compared to estimated

4 14	\$ 26,265,257	net FY 2010 to partially restore the FY 2010 across-the-board reduction. NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$415,980 for the Mount Pleasant Correctional Facility.
4 15 f. For the operation of the Rockwell City correctional		General Fund appropriation to the DOC for the Rockwell City
4 16 facility, including salaries, support, maintenance, and		Correctional Facility.
4 17 miscellaneous purposes:		
4 18	\$ 9,324,565	DETAIL: This is an increase of \$871,598 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction. NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$108,833 for the Rockwell City Correctional Facility.
4 19 g. For the operation of the Clarinda correctional facility,		General Fund appropriation to the DOC for the Clarinda Correctional
4 20 including salaries, support, maintenance, and miscellaneous		Facility.
4 21 purposes:		
4 22	\$ 23,645,033	DETAIL: This is an increase of \$2,566,087 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction. NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$451,752 for the Clarinda Correctional Facility.
4 23 Moneys received by the department of corrections as		Appropriates reimbursements from the Clarinda Youth Academy to
4 24 reimbursement for services provided to the Clarinda youth		the DOC for operating costs associated with the Clarinda Correctional
4 25 corporation are appropriated to the department and shall be		Facility.
4 26 used for the purpose of operating the Clarinda correctional		
4 27 facility.		DETAIL: The Clarinda Youth Academy's annual reimbursement to the Clarinda Correctional Facility is approximately \$1,000,000.
4 28 h. For the operation of the Mitchellville correctional		General Fund appropriation to the DOC for the Mitchellville

4 29 facility, including salaries, support, maintenance, and	Correctional Facility.
4 30 miscellaneous purposes:	
4 31 \$ 15,486,586	DETAIL: This is an increase of \$1,233,471 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.
	NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$169,416 for the Mitchellville Correctional Facility.
4 32 i. For the operation of the Fort Dodge correctional	General Fund appropriation to the DOC for the Fort Dodge
4 33 facility, including salaries, support, maintenance, and	Correctional Facility.
4 34 miscellaneous purposes:	
4 35 \$ 29,020,235	DETAIL: This is an increase of \$2,021,103 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.
	NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$200,000 for the Fort Dodge Correctional Facility.
5 1 j. For reimbursement of counties for temporary confinement	General Fund appropriation to the DOC for the County Confinement
5 2 of work release and parole violators, as provided in sections	Account to pay for holding alleged parole and work release violators
5 3 901.7, 904.908, and 906.17, and for offenders confined pursuant	until their revocation hearings.
5 4 to section 904.513:	
5 5 \$ 775,092	DETAIL: This is no change compared to estimated net FY 2010.
5 6 k. For federal prison reimbursement, reimbursements for	General Fund appropriation to the DOC to reimburse the federal
5 7 out-of-state placements, and miscellaneous contracts:	Bureau of Prisons for confining Iowa inmates and to pay
5 8 \$ 239,411	miscellaneous contracts.
	DETAIL: This is an increase of \$23,941 compared to estimated net FY 2010 to restore the FY 2010 across-the-board reduction.
5 9 2. The department of corrections shall use moneys	Requires the DOC to contract with a Muslim imam to provide religious
5 10 appropriated in subsection 1 to continue to contract for the	services and religious counseling.

5 11 services of a Muslim imam.

DETAIL: This contract is required pursuant to a federal court order.

5 12 Sec. 4. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.

5 13 1. There is appropriated from the general fund of the state
5 14 to the department of corrections for the fiscal year beginning
5 15 July 1, 2010, and ending June 30, 2011, the following amounts,
5 16 or so much thereof as is necessary, to be used for the purposes
5 17 designated:

5 18 a. For general administration, including salaries, support,
5 19 maintenance, employment of an education director to administer
5 20 a centralized education program for the correctional system,
5 21 and miscellaneous purposes:
5 22 \$ 4,254,068

General Fund appropriation to the DOC for the Central Office.

DETAIL: This is a decrease of \$74,975 compared to estimated net
FY 2010 appropriation for a general reduction.

5 23 (1) It is the intent of the general assembly that as a
5 24 condition of receiving the appropriation provided in this
5 25 lettered paragraph the department of corrections shall not,
5 26 except as otherwise provided in subparagraph (3), enter
5 27 into a new contract, unless the contract is a renewal of an
5 28 existing contract, for the expenditure of moneys in excess of
5 29 \$100,000 during the fiscal year beginning July 1, 2010, for the
5 30 privatization of services performed by the department using
5 31 state employees as of July 1, 2010, or for the privatization
5 32 of new services by the department without prior consultation
5 33 with any applicable state employee organization affected
5 34 by the proposed new contract and prior notification of the
5 35 co=chairpersons and ranking members of the joint appropriations
6 1 subcommittee on the justice system.

Specifies it is the intent of the General Assembly that, as a condition
of receiving appropriated funds, the DOC not enter into a new contract
in excess of \$100,000 for privatized services during FY 2011 without
prior notification of the Chairpersons and Ranking Members of the
Justice System Appropriations Subcommittee, and without prior
consultation with any affected employee organization. Existing
contracts may be renewed without notification.

6 2 (2) It is the intent of the general assembly that each
6 3 lease negotiated by the department of corrections with a

Specifies that it is the intent of the General Assembly that the DOC
prohibit the use of inmate labor for partisan political activities within

6 4 private corporation for the purpose of providing private
 6 5 industry employment of inmates in a correctional institution
 6 6 shall prohibit the private corporation from utilizing inmate
 6 7 labor for partisan political purposes for any person seeking
 6 8 election to public office in this state and that a violation
 6 9 of this requirement shall result in a termination of the lease
 6 10 agreement.

Iowa when contracting for inmate workers to be employed by a private business. Violation of these contract terms will result in termination of the contract.

6 11 (3) It is the intent of the general assembly that as a
 6 12 condition of receiving the appropriation provided in this
 6 13 lettered paragraph the department of corrections shall not
 6 14 enter into a lease or contractual agreement pursuant to section
 6 15 904.809 with a private corporation for the use of building
 6 16 space for the purpose of providing inmate employment without
 6 17 providing that the terms of the lease or contract establish
 6 18 safeguards to restrict, to the greatest extent feasible, access
 6 19 by inmates working for the private corporation to personal
 6 20 identifying information of citizens.

Specifies that it is the intent of the General Assembly that, as a condition of receiving appropriated funds, the DOC, when contracting with a private business for inmate employment, must restrict inmates' access to citizens' personal identifying information.

6 21 b. For educational programs for inmates at state penal
 6 22 institutions:
 6 23 \$ 1,558,109

General Fund appropriation to the DOC for the educational programs for inmates.

DETAIL: This is an increase of \$194,402 compared to estimated net FY 2010 to restore the FY 2010 across-the-board reduction.

6 24 As a condition of receiving the appropriation in this
 6 25 lettered paragraph, the department of corrections shall
 6 26 transfer at least \$300,000 from the canteen operating funds
 6 27 established pursuant to section 904.310 to be used for
 6 28 correctional educational programs funded in this lettered
 6 29 paragraph.

Requires the DOC to transfer at least \$300,000 from Canteen Funds to the Corrections Education Program.

6 30 It is the intent of the general assembly that moneys
 6 31 appropriated in this lettered paragraph shall be used solely
 6 32 for the purpose indicated and that the moneys shall not be

Specifies that it is the intent of the General Assembly that these funds be used only for inmate education. Also, requires the DOC to consult with community colleges located within the area of the prisons

6 33 transferred for any other purpose. In addition, it is the
 6 34 intent of the general assembly that the department shall
 6 35 consult with the community colleges in the areas in which the
 7 1 institutions are located to utilize moneys appropriated in this
 7 2 lettered paragraph to fund the high school completion, high
 7 3 school equivalency diploma, adult literacy, and adult basic
 7 4 education programs in a manner so as to maintain these programs
 7 5 at the institutions.
 7 6 To maximize the funding for educational programs, the
 7 7 department shall establish guidelines and procedures to
 7 8 prioritize the availability of educational and vocational
 7 9 training for inmates based upon the goal of facilitating an
 7 10 inmate's successful release from the correctional institution.
 7 11 The director of the department of corrections may transfer
 7 12 moneys from Iowa prison industries for use in educational
 7 13 programs for inmates.

regarding how to maintain the high school completion, high school
 equivalency diploma, adult literacy, and adult basic education
 programs at the Institutions. Requires the DOC to establish
 guidelines and procedures to prioritize admission to educational and
 vocational programs to facilitate inmates' successful release from
 prison. Permits the DOC to transfer funds from the Iowa Prison
 Industries Revolving Fund for educational programs for inmates.

7 14 Notwithstanding section 8.33, moneys appropriated in this
 7 15 lettered paragraph that remain unobligated or unexpended at
 7 16 the close of the fiscal year shall not revert but shall remain
 7 17 available for expenditure only for the purpose designated in
 7 18 this lettered paragraph until the close of the succeeding
 7 19 fiscal year.

CODE: Requires nonreversion of funds for the Inmate Education
 Program.

7 20 c. For the development of the Iowa corrections offender
 7 21 network (ICON) data system:
 7 22 \$ 424,364

General Fund appropriation to the DOC for the Iowa Corrections
 Offender Network (ICON).

DETAIL: This is an increase of \$42,436 compared to estimated net
 FY 2010 to restore the FY 2010 across-the-board reduction.

7 23 d. For offender mental health and substance abuse
 7 24 treatment:
 7 25 \$ 22,319

General Fund appropriation to the DOC for mental health and
 substance abuse treatment.

DETAIL: This is no change compared to estimated net FY 2010.

7 26 e. For viral hepatitis prevention and treatment:

General Fund appropriation to the DOC for viral hepatitis prevention

7 27 \$ 167,881

and treatment.

DETAIL: This is no change compared to estimated net FY 2010.

7 28 2. It is the intent of the general assembly that the
7 29 department of corrections shall continue to operate the
7 30 correctional farms under the control of the department at
7 31 the same or greater level of participation and involvement
7 32 as existed as of June 30, 2011; shall not enter into any
7 33 rental agreement or contract concerning any farmland under
7 34 the control of the department that is not subject to a rental
7 35 agreement or contract as of January 1, 2010, without prior
8 1 legislative approval; and shall further attempt to provide
8 2 job opportunities at the farms for inmates. The department
8 3 shall attempt to provide job opportunities at the farms for
8 4 inmates by encouraging labor-intensive farming or gardening
8 5 where appropriate; using inmates to grow produce and meat for
8 6 institutional consumption; researching the possibility of
8 7 instituting food canning and cook-and-chill operations; and
8 8 exploring opportunities for organic farming and gardening,
8 9 livestock ventures, horticulture, and specialized crops.

Specifies that it is the intent of the General Assembly that the DOC continue farm operations at the same or greater level as exists on June 30, 2011. The DOC is prohibited from renting farmland under the control of the DOC that is not currently being rented without legislative approval. The DOC is to provide meaningful job opportunities for inmates employed on the farms.

8 10 3. The department of corrections shall provide a smoking
8 11 cessation program to offenders committed to the custody of the
8 12 director or who are otherwise detained by the department, that
8 13 complies with legislation enacted restricting or prohibiting
8 14 smoking on the grounds of correctional institutions.

Requires the DOC to provide a smoking cessation program to offenders.

8 15 4. As a condition of receiving the appropriations made
8 16 in this section, the department of corrections shall develop
8 17 and implement offender reentry programs in Black Hawk and
8 18 Polk counties to provide transitional planning and release
8 19 primarily for offenders released from the Iowa correctional
8 20 institution for women at Mitchellville and the Fort Dodge
8 21 correctional facility. Programming shall include minority

Requires the Department of Corrections to develop and implement re-entry programs in Waterloo and Des Moines. Specifies programming requirements. This Bill includes appropriations to the First and Fifth CBC District Departments for re-entry programs.

8 22 and gender-specific responsivity, employment, substance
 8 23 abuse treatment, mental health services, housing, and family
 8 24 reintegration. The department of corrections shall collaborate
 8 25 with the first and fifth judicial district departments of
 8 26 correctional services, the Iowa department of workforce
 8 27 development, the department of human services, community-based
 8 28 providers and faith-based organizations, and local law
 8 29 enforcement.

8 30 5. The chief security officer position within the
 8 31 department of corrections shall be eliminated by the effective
 8 32 date of this subsection.

Eliminates the Chief of Security position in the DOC Central Office.

DETAIL: This provision is effective on enactment of this Bill.

8 33 6. The department shall place inmates at the Luster Heights
 8 34 facility who have been approved by the board of parole for
 8 35 work release but who are expected to be waiting in prison
 9 1 for at least four months for a bed to become available at a
 9 2 community-based correctional facility, unless the placement
 9 3 would dislodge an inmate receiving substance abuse treatment.

Requires the DOC to place offenders at the Luster Heights facility that have been approved by the Board of Parole for work release, that are on a waiting list for a CBC bed, as long as the placement does not prevent another offender from receiving substance abuse treatment.

9 4 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
 9 5 SERVICES.

9 6 1. There is appropriated from the general fund of the state
 9 7 to the department of corrections for the fiscal year beginning
 9 8 July 1, 2010, and ending June 30, 2011, for the treatment and
 9 9 supervision of probation and parole violators who have been
 9 10 released from the department of corrections violator program,
 9 11 the following amounts, or so much thereof as is necessary, to
 9 12 be allocated as follows:

9 13 a. For the first judicial district department of
 9 14 correctional services:
 9 15 \$ 12,453,082

General Fund appropriation to the DOC for the First CBC District Department.

DETAIL: This is an increase of \$534,392 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$110,275 for the First CBC District Department.

9 16 As a condition of the moneys appropriated in this lettered
9 17 paragraph, the department of corrections shall replace expired
9 18 federal funding by expending at least \$140,000 for the dual
9 19 diagnosis program and maintaining 1.25 FTEs for the program.

Requires the First CBC District Department to spend at least \$140,000 to maintain the Dual Diagnosis Program.

9 20 b. For the second judicial district department of
9 21 correctional services:
9 22 \$ 10,770,616

General Fund appropriation to the DOC for the Second CBC District Department.

DETAIL: This is an increase of \$783,971 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$308,214 for the Second CBC District Department.

9 23 c. For the third judicial district department of
9 24 correctional services:
9 25 \$ 5,715,578

General Fund appropriation to the DOC for the Third CBC District Department.

DETAIL: This is an increase of \$369,936 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$18,010 for the Third CBC District Department.

9 26 d. For the fourth judicial district department of
9 27 correctional services:
9 28 \$ 5,522,416

General Fund appropriation to the DOC for the Fourth CBC District Department.

DETAIL: This is an increase of \$342,916 compared to estimated net

9 29 e. For the fifth judicial district department of
 9 30 correctional services, including funding for electronic
 9 31 monitoring devices for use on a statewide basis:
 9 32 \$ 18,938,081

FY 2010 to partially restore the FY 2010 across-the-board reduction.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$76,117 for the Fourth CBC District Department.

General Fund appropriation to the DOC for the Fifth CBC District Department.

DETAIL: This is an increase of \$1,587,659 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$790,020 for the Fifth CBC District Department.

9 33 As a condition of receiving the appropriation in this
 9 34 lettered paragraph, the fifth judicial district department of
 9 35 correctional services shall reinstate 67 beds in buildings 65
 10 1 and 66 at the Fort Des Moines facility and resume operating the
 10 2 buildings, in addition to maintaining the 199 beds in buildings
 10 3 68 and 70 at the Fort Des Moines facility. The district
 10 4 department may use inmate labor to upgrade and renovate the
 10 5 buildings, if renovation and updating are required.

Requires the Fifth CBC District Department to reinstate and use 67 beds at Building 65/66 at the Fort Des Moines Residential Facility and maintain the use of 199 beds at Building 68/70. Permits the use of inmate labor to renovate the buildings, if renovation is required.

DETAIL: The Fifth CBC District Department has restructured its Fort Des Moines operations. There are 199 beds at Building 68/70 for residential and work release programs. Eighty of these beds are dedicated for substance abuse treatment. Building 65/66 has an honors unit of 40 beds plus a substance abuse treatment contract for 60 beds with a private provider.

10 6 f. For the sixth judicial district department of
 10 7 correctional services:
 10 8 \$ 13,030,356

General Fund appropriation to the DOC for the Sixth CBC District Department.

DETAIL: This is an increase of \$622,039 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of

\$302,810 for the Sixth CBC District Department.

10 9 g. For the seventh judicial district department of
 10 10 correctional services:
 10 11 \$ 6,846,560

General Fund appropriation to the DOC for the Seventh CBC District Department.

DETAIL: This is an increase of \$409,565 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$24,923 for the Seventh CBC District Department.

10 12 h. For the eighth judicial district department of
 10 13 correctional services:
 10 14 \$ 6,935,622

General Fund appropriation to the DOC for the Eighth CBC District Department.

DETAIL: This is an increase of \$543,795 compared to estimated net FY 2010 to partially restore the FY 2010 across-the-board reduction.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$400,850 for the Eighth CBC District Department.

10 15 2. Each judicial district department of correctional
 10 16 services, within the funding available, shall continue programs
 10 17 and plans established within that district to provide for
 10 18 intensive supervision, sex offender treatment, diversion of
 10 19 low-risk offenders to the least restrictive sanction available,
 10 20 job development, and expanded use of intermediate criminal
 10 21 sanctions.

Requires each CBC District Department, within available funding, to continue programs and plans established within the District Department for intensive supervision, sex offender treatment, diversion of low-risk offenders to the least restrictive sanction available, job development, and expanded use of intermediate sanctions.

10 22 3. Each judicial district department of correctional
 10 23 services shall provide alternatives to prison consistent with
 10 24 chapter 901B. The alternatives to prison shall ensure public
 10 25 safety while providing maximum rehabilitation to the offender.

Requires each CBC District Department to provide alternatives to prison consistent with statute. Permits the District Departments to establish day programs.

10 26 A judicial district department of correctional services may
10 27 also establish a day program.

10 28 4. The governor's office of drug control policy shall
10 29 consider federal grants made to the department of corrections
10 30 for the benefit of each of the eight judicial district
10 31 departments of correctional services as local government
10 32 grants, as defined pursuant to federal regulations.

Requires the Governor's Office of Drug Control Policy to consider federal grants made to the DOC for the benefit of the CBC District Departments as local government grants rather than State government grants as defined by federal regulations.

10 33 5. The department of corrections shall continue to contract
10 34 with a judicial district department of correctional services to
10 35 provide for the rental of electronic monitoring equipment which
11 1 shall be available statewide.

Requires the DOC to contract with a CBC District Department for the rental of electronic monitoring equipment.

DETAIL: The DOC contracts with the Fifth CBC District Department for electronic monitoring devices that are available statewide.

11 2 6. A judicial district department of correctional services
11 3 shall accept into the facilities of the district department,
11 4 offenders assigned from other judicial district departments of
11 5 correctional services.

Requires the CBC District Departments to accept the transfer of offenders into residential facilities between CBC District Departments.

11 6 Sec. 6. DEPARTMENT OF CORRECTIONS == REALLOCATION OF
11 7 APPROPRIATIONS. Notwithstanding section 8.39, within
11 8 the moneys appropriated in this Act to the department of
11 9 corrections, the department may reallocate the moneys
11 10 appropriated and allocated as necessary to best fulfill the
11 11 needs of the correctional institutions, administration of
11 12 the department, and the judicial district departments of
11 13 correctional services. However, in addition to complying with
11 14 the requirements of sections 904.116 and 905.8 and providing
11 15 notice to the legislative services agency, the department
11 16 of corrections shall also provide notice to the department
11 17 of management, prior to the effective date of the revision
11 18 or reallocation of an appropriation made pursuant to this
11 19 section. The department shall not reallocate an appropriation
11 20 or allocation for the purpose of eliminating any program.

CODE: Permits the DOC to reallocate appropriations between the correctional institutions, the Central Office, and CBC District Departments. Requires the DOC to provide notice to the DOM and the LSA before reallocating the funds. Prohibits the reallocation of funds to eliminate a program.

11 21 Sec. 7. INTENT == REPORTS.

11 22 1. The department in cooperation with townships, the Iowa
11 23 cemetery associations, and other nonprofit or governmental
11 24 entities may use inmate labor during the fiscal year beginning
11 25 July 1, 2010, to restore or preserve rural cemeteries and
11 26 historical landmarks. The department in cooperation with the
11 27 counties may also use inmate labor to clean up roads, major
11 28 water sources, and other water sources around the state.

Permits the DOC to work with nonprofit and governmental entities to use inmate labor to restore or preserve rural cemeteries or historical landmarks and to clean up roads and water resources.

11 29 2. Each month the department shall provide a status report
11 30 regarding private=sector employment to the legislative services
11 31 agency beginning on July 1, 2010. The report shall include
11 32 the number of offenders employed in the private sector, the
11 33 combined number of hours worked by the offenders, and the
11 34 total amount of allowances, and the distribution of allowances
11 35 pursuant to section 904.702, including any moneys deposited in
12 1 the general fund of the state.

Requires the DOC to provide a monthly status report to the LSA regarding private sector employment of inmates.

12 2 Sec. 8. ELECTRONIC MONITORING REPORT. The department of
12 3 corrections shall submit a report on electronic monitoring to
12 4 the general assembly, to the co=chairpersons and the ranking
12 5 members of the joint appropriations subcommittee on the justice
12 6 system, and to the legislative services agency by January
12 7 15, 2011. The report shall specifically address the number
12 8 of persons being electronically monitored and break down the
12 9 number of persons being electronically monitored by offense
12 10 committed. The report shall also include a comparison of any
12 11 data from the prior fiscal year with the current year.

Requires the DOC to submit a report regarding electronic monitoring to the General Assembly, the Chairpersons and Ranking Members of the Justice System Appropriations Subcommittee, and the LSA by January 15, 2011. Specifies the content of the report.

12 12 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

12 13 1. As used in this section, unless the context otherwise
12 14 requires, "state agency" means the government of the state
12 15 of Iowa, including but not limited to all executive branch

Encourages State agencies to buy products from Iowa Prison Industries whenever possible. Requires State agencies to obtain a bid from Iowa Prison Industries for purchases of office furniture exceeding \$5,000, or in accordance with administrative rules.

12 16 departments, agencies, boards, bureaus, and commissions, the
 12 17 judicial branch, the general assembly and all legislative
 12 18 agencies, institutions within the purview of the state board of
 12 19 regents, and any corporation whose primary function is to act
 12 20 as an instrumentality of the state.

12 21 2. State agencies are hereby encouraged to purchase
 12 22 products from Iowa state industries, as defined in section
 12 23 904.802, when purchases are required and the products are
 12 24 available from Iowa state industries. State agencies shall
 12 25 obtain bids from Iowa state industries for purchases of
 12 26 office furniture during the fiscal year beginning July 1,
 12 27 2010, exceeding \$5,000 or in accordance with applicable
 12 28 administrative rules related to purchases for the agency.

12 29 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated from
 12 30 the general fund of the state to the office of the state public
 12 31 defender of the department of inspections and appeals for the
 12 32 fiscal year beginning July 1, 2010, and ending June 30, 2011,
 12 33 the following amounts, or so much thereof as is necessary, to
 12 34 be allocated as follows for the purposes designated:

12 35 1. For salaries, support, maintenance, miscellaneous
 13 1 purposes, and for not more than the following full-time
 13 2 equivalent positions:

13 3 \$ 21,743,182
 13 4 FTEs 203.00

General Fund appropriation to the Department of Inspections and Appeals for the Office of the State Public Defender.

DETAIL: This is an increase of \$2,174,318 and no change in FTE positions compared to estimated net FY 2010 for a general increase.

NOTE: Senate File 2088 (Government Reorganization and Efficiency Bill) provides an appropriation of \$1,140,000 and 16.00 FTE positions to expand local public defender offices.

13 5 2. For the fees of court-appointed attorneys for indigent
 13 6 adults and juveniles, in accordance with section 232.141 and
 13 7 chapter 815:

13 8 \$ 15,680,929

General Fund appropriation to the Department of Inspections and Appeals for the Indigent Defense Program.

DETAIL: This is a decrease of \$5,927,318 compared to the estimated

net FY 2010 appropriation for a general reduction.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustments Bill) provides an FY 2010 General Fund supplemental appropriation of \$10,900,000 for the Indigent Defense Program.

13 9 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.
 13 10 1. There is appropriated from the general fund of the
 13 11 state to the Iowa law enforcement academy for the fiscal year
 13 12 beginning July 1, 2010, and ending June 30, 2011, the following
 13 13 amount, or so much thereof as is necessary, to be used for the
 13 14 purposes designated:
 13 15 For salaries, support, maintenance, miscellaneous purposes,
 13 16 including jailer training and technical assistance, and for not
 13 17 more than the following full-time equivalent positions:
 13 18 \$ 1,049,430
 13 19 FTEs 30.55

General Fund appropriation to the Iowa Law Enforcement Academy (ILEA).

DETAIL: This is no change to the General Fund appropriation and an increase of 1.00 FTE position compared to estimated net FY 2010. The increase in FTE position is due to the receipt of federal grant dollars.

13 20 It is the intent of the general assembly that the Iowa law
 13 21 enforcement academy may provide training of state and local
 13 22 law enforcement personnel concerning the recognition of and
 13 23 response to persons with Alzheimer's disease.

Specifies the intent of the General Assembly that the ILEA may offer training for law enforcement officers in recognizing and responding to persons with Alzheimer's disease.

13 24 The Iowa law enforcement academy may temporarily exceed and
 13 25 draw more than the amount appropriated and incur a negative
 13 26 cash balance as long as there are receivables equal to or
 13 27 greater than the negative balance and the amount appropriated
 13 28 in this subsection is not exceeded at the close of the fiscal
 13 29 year.

Permits the ILEA to incur a negative General Fund balance as long as there are equal receivables coming into the Academy by the close of the fiscal year.

DETAIL: This language is to assist with cash flow issues the ILEA faces in the last quarter of the fiscal year.

13 30 2. The Iowa law enforcement academy may select at least
 13 31 five automobiles of the department of public safety, division
 13 32 of state patrol, prior to turning over the automobiles to
 13 33 the department of administrative services to be disposed

Permits the ILEA to annually exchange at least five vehicles returned to the State Fleet Administrator by the Department of Public Safety for any of the Academy's training vehicles. The vehicles received from the ILEA are to be sold at public auction, with the receipts to be

13 34 of by public auction, and the Iowa law enforcement academy
 13 35 may exchange any automobile owned by the academy for each
 14 1 automobile selected if the selected automobile is used in
 14 2 training law enforcement officers at the academy. However, any
 14 3 automobile exchanged by the academy shall be substituted for
 14 4 the selected vehicle of the department of public safety and
 14 5 sold by public auction with the receipts being deposited in the
 14 6 depreciation fund to the credit of the department of public
 14 7 safety, division of state patrol.

deposited in the Depreciation Fund used to purchase new vehicles for the Department of Public Safety (DPS).

14 8 Sec. 12. BOARD OF PAROLE. There is appropriated from the
 14 9 general fund of the state to the board of parole for the fiscal
 14 10 year beginning July 1, 2010, and ending June 30, 2011, the
 14 11 following amount, or so much thereof as is necessary, to be
 14 12 used for the purposes designated:

General Fund appropriation to the Board of Parole.

DETAIL: This is a no change in funding and a decrease of 5.00 FTE positions compared to estimated net FY 2010 for a general reduction in positions.

14 13 For salaries, support, maintenance, miscellaneous purposes,
 14 14 and for not more than the following full-time equivalent
 14 15 positions:
 14 16 \$ 1,045,259
 14 17 FTEs 13.50

14 18 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
 14 19 appropriated from the general fund of the state to the
 14 20 department of public defense for the fiscal year beginning July
 14 21 1, 2010, and ending June 30, 2011, the following amounts, or
 14 22 so much thereof as is necessary, to be used for the purposes
 14 23 designated:

14 24 1. MILITARY DIVISION
 14 25 For salaries, support, maintenance, miscellaneous purposes,
 14 26 and for not more than the following full-time equivalent
 14 27 positions:
 14 28 \$ 6,249,201
 14 29 FTEs 324.00

General Fund appropriation to the Military Division of the Department of Public Defense.

DETAIL: This is an increase of \$624,920 and 10.70 FTE positions compared to estimated net FY 2010.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustment Bill) includes \$526,202 to partially restore the 10.00% across-the-board

reduction.

14 30 The military division may temporarily exceed and draw more
 14 31 than the amount appropriated and incur a negative cash balance
 14 32 as long as there are receivables of federal funds equal to or
 14 33 greater than the negative balance and the amount appropriated
 14 34 in this subsection is not exceeded at the close of the fiscal
 14 35 year.

Permits the Military Division to incur a negative cash balance as long as the Division has federal reimbursable expenses to cover the negative balance.

DETAIL: The Military Division can experience a delay of up to 30 days in federal reimbursement for eligible expenses. This authorization permits the Division to use State General Fund money to cover these expenses until the federal funds are received. To alleviate the cash flow problem, the federal government has instituted an Advance Payment System that permits the State to receive an advance of federal funds to meet payroll and other requirements. The Division has implemented the accounting procedures to use the new System.

15 1 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION
 15 2 For salaries, support, maintenance, miscellaneous purposes,
 15 3 and for not more than the following full-time equivalent
 15 4 positions:
 15 5 \$ 2,038,119
 15 6 FTEs 33.00

General Fund appropriation to the Homeland Security and Emergency Management Division.

DETAIL: This is an increase of \$203,812 and a decrease of 0.10 FTE position compared to estimated net FY 2010.

NOTE: Senate File 2366 (FY 2010 Appropriations Adjustment Bill) includes \$61,614 to partially restore the 10.00% across-the-board reduction.

15 7 The homeland security and emergency management division may
 15 8 temporarily exceed and draw more than the amount appropriated
 15 9 and incur a negative cash balance as long as there are
 15 10 receivables of federal funds equal to or greater than the
 15 11 negative balance and the amount appropriated in this subsection
 15 12 is not exceeded at the close of the fiscal year.

Permits the Homeland Security and Emergency Management Division to incur a negative cash balance as long as the Division has federal reimbursable expenses to cover the negative balance.

DETAIL: The Homeland Security and Emergency Management Division can experience a delay of up to 30 days in federal reimbursement for eligible expenses. This authorization permits the Division to use State General Fund money to cover these expenses until the federal funds are received. To alleviate the cash flow problem, the federal government has instituted an Advance Payment

System that permits the State to receive an advance of federal funds to meet payroll and other requirements. The Division has implemented the accounting procedures to use the new System.

15 13 It is the intent of the general assembly that the homeland
15 14 security and emergency management division work in conjunction
15 15 with the department of public safety, to the extent possible,
15 16 when gathering and analyzing information related to potential
15 17 domestic or foreign security threats, and when monitoring such
15 18 threats.

Specifies the intent of the General Assembly that the Homeland Security and Emergency Management Division work in conjunction with the DPS when gathering and analyzing information related to potential domestic and foreign security threats.

15 19 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is appropriated
15 20 from the general fund of the state to the department of public
15 21 safety for the fiscal year beginning July 1, 2010, and ending
15 22 June 30, 2011, the following amounts, or so much thereof as is
15 23 necessary, to be used for the purposes designated:

15 24 1. For the department's administrative functions, including
15 25 the criminal justice information system, and for not more than
15 26 the following full-time equivalent positions:
15 27 \$ 4,134,461
15 28 FTEs 36.00

General Fund appropriation to the DPS for the Administrative Services Division.

DETAIL: This is an increase of \$182,390 and a decrease of 3.00 FTE positions compared to estimated net FY 2010.

15 29 2. For the division of criminal investigation, including
15 30 the state's contribution to the peace officers' retirement,
15 31 accident, and disability system provided in chapter 97A in the
15 32 amount of the state's normal contribution rate, as defined in
15 33 section 97A.8, multiplied by the salaries for which the funds
15 34 are appropriated, to meet federal fund matching requirements,
15 35 and for not more than the following full-time equivalent
16 1 positions:
16 2 \$ 12,861,710
16 3 FTEs 277.10

General Fund appropriation to the DPS for the Division of Criminal Investigation (DCI).

DETAIL: This is a decrease of \$6,151,033 and 10.40 FTE positions compared to estimated net FY 2010. This is a decrease of \$8,851,775 to reflect gambling regulation receipts and an increase of \$2,700,742 for a general increase to the Crime Lab, the Records and Identification Bureau, and the Homicide Bureau.

NOTE: In addition to the General Fund appropriation, the DPS receives an appropriation from the Gaming Enforcement Revolving Fund established in Section 17. This appropriation is to be used to

support 115.00 of the 277.10 FTE positions authorized for DPS.

16 4 If any of the Indian tribes fail to pay for 1.00 FTE pursuant
16 5 to the agreements or compacts entered into between the state
16 6 and the Indian tribes pursuant to section 10A.104, subsection
16 7 10, the number of full-time equivalent positions authorized
16 8 under this subsection is reduced by 1.00 FTE.

Specifies that if funding for the 1.00 FTE position for a DCI Special Agent to perform Tribal Gaming Inspections is not funded from the Tribal-State Compact, this FTE position will no longer be authorized.

16 9 The department shall employ one additional special agent and
16 10 one additional criminalist for the purpose of investigating
16 11 cold cases. Prior to employing the additional special agent
16 12 and criminalist authorized in this paragraph, the department
16 13 shall provide a written statement to prospective employees that
16 14 states to the effect that the positions are being funded by a
16 15 temporary federal grant and there are no assurances that funds
16 16 from other sources will be available after the federal funding
16 17 expires. If the federal funding for the additional positions
16 18 expires during the fiscal year, the number of full-time
16 19 equivalent positions authorized in this subsection is reduced
16 20 by 2.00 FTEs.

Specifies that the DPS will employ one Special Agent and one Criminalist to investigate cold cases. However, if federal funds are not received for the 2.00 FTE positions for the Cold Case Unit, the positions are eliminated.

16 21 The appropriation made from the gaming enforcement fund
16 22 established by this Act in section 80.43 shall be used to
16 23 provide salary and support for not more than 115.00 full-time
16 24 equivalent positions, unless as otherwise provided by law.

Requires the funds appropriated from the Gaming Enforcement Revolving Fund in Section 17 of this Bill to be used for the salaries and support of 115.00 FTE positions for gaming enforcement.

DETAIL: The amount necessary to fund the FTE positions is estimated at \$8,851,775.

16 25 The department of public safety, with the approval of the
16 26 department of management, may employ no more than two special
16 27 agents and four gaming enforcement officers for each additional
16 28 riverboat or gambling structure regulated after July 1, 2010,
16 29 and one special agent for each racing facility which becomes
16 30 operational during the fiscal year which begins July 1, 2010.

Permits the DPS to employ a maximum of two special agents and four gaming officers if approved by the DOM for new riverboats licensed after July 1, 2010, and for riverboats that have extended operations to 24 hours. Also, permits the employment of one special agent for each racing facility that becomes operational during FY 2011.

NOTE: Senate File 2247 relates to the designation of a gaming

16 31 One additional gaming enforcement officer, up to a total of
 16 32 four per riverboat or gambling structure, may be employed
 16 33 for each riverboat or gambling structure that has extended
 16 34 operations to 24 hours and has not previously operated with a
 16 35 24-hour schedule. Positions authorized in this paragraph are
 17 1 in addition to the full-time equivalent positions otherwise
 17 2 authorized in this subsection.

enforcement officer. The Bill specifies it is the intent of the General Assembly that the change in designation is for official designation purposes only and will not modify the existing job classification or duties for a gaming enforcement officer as of July 1, 2010.

17 3 3. For the criminalistics laboratory fund created in
 17 4 section 691.9:
 17 5 \$ 302,345

General Fund appropriation for the Criminalistics Laboratory Fund.

DETAIL: This is no change compared to estimated net FY 2010.

17 6 4. a. For the division of narcotics enforcement, including
 17 7 the state's contribution to the peace officers' retirement,
 17 8 accident, and disability system provided in chapter 97A in the
 17 9 amount of the state's normal contribution rate, as defined in
 17 10 section 97A.8, multiplied by the salaries for which the funds
 17 11 are appropriated, to meet federal fund matching requirements,
 17 12 and for not more than the following full-time equivalent
 17 13 positions:
 17 14 \$ 6,507,048
 17 15 FTEs 75.00

General Fund appropriation to the DPS for the Division of Narcotics Enforcement (DNE).

DETAIL: This is an increase of \$759,401 and a decrease of 6.00 FTE positions compared to estimated net FY 2010.

17 16 b. For the division of narcotics enforcement for undercover
 17 17 purchases:
 17 18 \$ 109,042

General Fund appropriation to the DPS for DNE undercover purchases.

DETAIL: This is no change compared to estimated net FY 2010.

17 19 5. For the division of state fire marshal, for fire
 17 20 protection services as provided through the state fire service
 17 21 and emergency response council as created in the department,
 17 22 and for the state's contribution to the peace officers'
 17 23 retirement, accident, and disability system provided in chapter
 17 24 97A in the amount of the state's normal contribution rate, as
 17 25 defined in section 97A.8, multiplied by the salaries for which

General Fund appropriation to the DPS for the State Fire Marshal's Office.

DETAIL: This is an increase of \$753,893 and a decrease of 2.00 FTE positions compared to estimated net FY 2010.

17 26 the funds are appropriated, and for not more than the following
 17 27 full-time equivalent positions:
 17 28 \$ 4,343,896
 17 29 FTEs 57.00

17 30 6. For the division of state patrol, for salaries, support,
 17 31 maintenance, workers' compensation costs, and miscellaneous
 17 32 purposes, including the state's contribution to the peace
 17 33 officers' retirement, accident, and disability system provided
 17 34 in chapter 97A in the amount of the state's normal contribution
 17 35 rate, as defined in section 97A.8, multiplied by the salaries
 18 1 for which the funds are appropriated, and for not more than the
 18 2 following full-time equivalent positions:
 18 3 \$ 48,984,147
 18 4 FTEs 503.00

18 5 It is the intent of the general assembly that members of the
 18 6 state patrol be assigned to patrol the highways and roads in
 18 7 lieu of assignments for inspecting school buses for the school
 18 8 districts.

18 9 7. For deposit in the sick leave benefits fund established
 18 10 under section 80.42 for all departmental employees eligible to
 18 11 receive benefits for accrued sick leave under the collective
 18 12 bargaining agreement:
 18 13 \$ 279,517

18 14 8. For costs associated with the training and equipment
 18 15 needs of volunteer fire fighters:
 18 16 \$ 612,255

18 17 Notwithstanding section 8.33, moneys appropriated in this

General Fund appropriation to the Iowa State Patrol.

DETAIL: This is an increase of \$3,922,862 and a decrease of 33.00 FTE positions compared to estimated net FY 2010.

Specifies the intent of the General Assembly that the Iowa State Patrol assign education officers to perform school bus inspections rather than having road troopers perform these inspections.

General Fund appropriation to create a non-reversionary fund in the DPS to be used for sick leave payout. All sworn officers of the Department are eligible to receive benefits for accrued sick leave under the collective bargaining agreement.

DETAIL: This is no change compared to estimated net FY 2010.

General Fund appropriation to the DPS for Volunteer Fire Fighter Training.

DETAIL: This is no change compared to estimated net FY 2010.

CODE: Requires nonreversion of funds for fire fighter training and

18 18 subsection that remain unencumbered or unobligated at the
 18 19 close of the fiscal year shall not revert but shall remain
 18 20 available for expenditure only for the purpose designated in
 18 21 this subsection until the close of the succeeding fiscal year.

equipment needs.

18 22 Notwithstanding section 8.39, within the moneys appropriated
 18 23 in this section the department of public safety may reallocate
 18 24 moneys as necessary to best fulfill the needs provided for
 18 25 in the appropriation. However, the department shall not
 18 26 reallocate an appropriation made to the department in this
 18 27 section unless notice of the reallocation is given to the
 18 28 legislative services agency and the department of management
 18 29 prior to the effective date of the reallocation. The notice
 18 30 shall include information about the rationale for reallocating
 18 31 the appropriation. The department shall not reallocate
 18 32 an appropriation made in this section for the purpose of
 18 33 eliminating any program.

CODE: Permits funds appropriated to the DPS to be allocated as necessary to fulfill appropriation needs within the Department. The Department is not allowed to reallocate an appropriation unless notice is given to the LSA and the DOM prior to the effective date of the reallocation. The Department is not allowed to reallocate the appropriation for the purpose of eliminating a program.

18 34 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated
 18 35 from the general fund of the state to the Iowa state civil
 19 1 rights commission for the fiscal year beginning July 1,
 19 2 2010, and ending June 30, 2011, the following amount, or so
 19 3 much thereof as is necessary, to be used for the purposes
 19 4 designated:
 19 5 For salaries, support, maintenance, miscellaneous purposes,
 19 6 and for not more than the following full-time equivalent
 19 7 positions:
 19 8 \$ 1,379,861
 19 9 FTEs 29.50

General Fund appropriation to the Iowa Civil Rights Commission.

DETAIL: This is no change compared to estimated net FY 2010.

19 10 The Iowa state civil rights commission may enter into
 19 11 a contract with a nonprofit organization to provide legal
 19 12 assistance to resolve civil rights complaints.

Permits the Iowa Civil Rights Commission to enter into a contract with a non-profit organization for legal assistance.

19 13 Sec. 16. Section 8A.302, subsection 1, as amended by 2010

CODE: Corrective language for the waiver process for State agencies

19 14 Iowa Acts, Senate File 2088, section 71, if enacted, is amended
 19 15 to read as follows:
 19 16 1. Providing a system of uniform standards and
 19 17 specifications for purchasing. When the system is developed,
 19 18 all items of general use shall be purchased by state agencies
 19 19 through the department, except items provided for under
 19 20 section 904.808 or items used by the state board of regents
 19 21 and institutions under the control of the state board of
 19 22 regents. However, the department may authorize the department
 19 23 of transportation, the department for the blind, and any other
 19 24 agencies otherwise exempted by law from centralized purchasing,
 19 25 to directly purchase items used by those agencies without going
 19 26 through the department, if the department of administrative
 19 27 services determines such purchasing is in the best interests
 19 28 of the state. However, items of general use may be purchased
 19 29 through the department by any governmental entity.

to purchase products from Iowa Prison Industries.

DETAIL: This Section amends language in SF 2088 (Government Reorganization and Efficiency Act).

19 30 Sec. 17. NEW SECTION . 80.43 Gaming enforcement==
 19 31 revolving fund.
 19 32 1. A gaming enforcement revolving fund is created in the
 19 33 state treasury under the control of the department. The fund
 19 34 shall consist of fees collected and deposited into the fund
 19 35 paid by licensees pursuant to section 99D.14, subsection 2,
 20 1 paragraph "b", and fees paid by licensees pursuant to section
 20 2 99F.10, subsection 4, paragraph "b". The amounts deposited into
 20 3 the fund for a fiscal year are appropriated to the department
 20 4 to be used exclusively to pay the costs for agents and officers
 20 5 plus any direct and indirect support costs for such agents and
 20 6 officers of the division of criminal investigation's racetrack,
 20 7 excursion boat, or gambling structure enforcement activities.

CODE: Creates the Gaming Enforcement Revolving Fund under the control of the DPS for the collection of fees for direct and indirect costs paid by licensees for the regulation of boats and racetracks by the Division of Criminal Investigation.

DETAIL: These funds will be used to support 115.00 FTE positions for gaming enforcement at an estimated cost of \$8,851,775.

20 8 2. To meet the department's cash flow needs, the department
 20 9 may temporarily use funds from the general fund of the state
 20 10 to pay expenses in excess of moneys available in the revolving
 20 11 fund if those additional expenditures are fully reimbursable
 20 12 and the department reimburses the general fund of the state

CODE: Permits the DPS to temporarily use General Fund money to cash flow the Gaming Enforcement Revolving Fund and requires the DPS to repay all money used for cash flow purposes by the end of the fiscal year.

20 13 and ensures all moneys are repaid in full by the close of the
20 14 fiscal year. Because any general fund moneys used shall be
20 15 fully reimbursed, such temporary use of funds from the general
20 16 fund of the state shall not constitute an appropriation for
20 17 purposes of calculating the state general fund expenditure
20 18 limitation pursuant to section 8.54.

20 19 3. Section 8.33 does not apply to any moneys credited or
20 20 appropriated to the revolving fund from any other fund and,
20 21 notwithstanding section 12C.7, subsection 2, earnings or
20 22 interest on moneys deposited in the revolving fund shall be
20 23 credited to the revolving fund.

CODE: Requires nonreversion of funds for the Gaming Enforcement Revolving Fund.

20 24 Sec. 18. Section 99D.14, subsection 2, Code 2009, is amended
20 25 to read as follows:

20 26 2. a. A licensee shall pay a regulatory fee to be charged
20 27 as provided in this section. In determining the regulatory fee
20 28 to be charged as provided under this section, the commission
20 29 shall use the amount appropriated to the commission plus the
20 30 cost of salaries for no more than two special agents for each
20 31 racetrack that has not been issued a table games license under
20 32 chapter 99F or no more than three special agents for each
20 33 racetrack that has been issued a table games license under
20 34 chapter 99F, plus any direct and indirect support costs for the
20 35 agents, for the division of criminal investigation's racetrack
21 1 activities, as the basis for determining the amount of revenue
21 2 to be raised from the regulatory fee.

21 3 b. Notwithstanding sections 8.60 and 99D.17, the portion of
21 4 the fee paid pursuant to paragraph "a" relating to the costs
21 5 of special agents plus any direct and indirect support costs
21 6 for the agents, for the division of criminal investigation's
21 7 racetrack activities, shall not be deposited in the general
21 8 fund of the state but instead shall be deposited into the
21 9 gaming enforcement revolving fund established in section 80.43.

CODE: Directs gambling regulation receipts to be deposited in the Gaming Enforcement Revolving Fund rather than being deposited in the General Fund.

21 10 Sec. 19. Section 99F.10, subsection 4, Code 2009, is amended

CODE: Directs gambling regulation receipts to be deposited in the

21 11 to read as follows:
 21 12 4. a. In determining the license fees and state regulatory
 21 13 fees to be charged as provided under section 99F.4 and this
 21 14 section, the commission shall use as the basis for determining
 21 15 the amount of revenue to be raised from the license fees and
 21 16 regulatory fees the amount appropriated to the commission
 21 17 plus the cost of salaries for no more than two special agents
 21 18 for each excursion gambling boat or gambling structure and no
 21 19 more than four gaming enforcement officers for each excursion
 21 20 gambling boat or gambling structure with a patron capacity of
 21 21 less than two thousand persons or no more than five gaming
 21 22 enforcement officers for each excursion gambling boat or
 21 23 gambling structure with a patron capacity of at least two
 21 24 thousand persons, plus any direct and indirect support costs
 21 25 for the agents and officers, for the division of criminal
 21 26 investigation's excursion gambling boat or gambling structure
 21 27 activities.
 21 28 b. Notwithstanding sections 8.60 and 99F.4, the portion of
 21 29 the fee paid pursuant to paragraph "a" relating to the costs
 21 30 of special agents and officers plus any direct and indirect
 21 31 support costs for the agents and officers, for the division of
 21 32 criminal investigation's excursion gambling boat or gambling
 21 33 structure activities, shall not be deposited in the general
 21 34 fund of the state but instead shall be deposited into the
 21 35 gaming enforcement revolving fund established in section 80.43.

Gaming Enforcement Revolving Fund rather than being deposited in the General Fund.

22 1 Sec. 20. Section 809A.17, subsection 5, Code 2009, is
 22 2 amended by adding the following new paragraph:
 22 3 NEW PARAGRAPH . e. If the forfeited property is cash or
 22 4 proceeds from the sale of real property the distribution of the
 22 5 forfeited property shall be as follows:
 22 6 (1) The department of justice shall not retain more than
 22 7 ten percent of the gross sale of any forfeited real property.
 22 8 The balance of the proceeds shall be distributed to the
 22 9 seizing agency for use by the agency or for division among
 22 10 law enforcement agencies and county attorneys pursuant to any
 22 11 agreement entered into by the seizing agency.

CODE: Requires the Department of Justice to retain 10.00% of cash or proceeds from the sale of forfeited property and 90.00% is to be distributed to the seizing agencies.

22 12 (2) The department of justice shall not retain more than
22 13 ten percent of any forfeited cash. The balance shall be
22 14 distributed to the seizing agency for use by the agency or for
22 15 division among law enforcement agencies and county attorneys
22 16 pursuant to any agreement entered into by the seizing agency.
22 17 (3) In the event of a cash forfeiture in excess of four
22 18 hundred thousand dollars the distribution of forfeited cash
22 19 shall be as follows:
22 20 (a) Forty=five percent shall be retained by the seizing
22 21 agency.
22 22 (b) Forty=five percent shall be distributed to other law
22 23 enforcement agencies within the region of the seizing agency.
22 24 (c) Ten percent shall be retained by the department of
22 25 justice.

22 26 Sec. 21. Section 904.315, subsection 2, Code Supplement
22 27 2009, is amended to read as follows:
22 28 2. A contract is not required for improvements at a state
22 29 institution where the labor of inmates is to be used if the
22 30 contract is not for a construction, reconstruction, demolition,
22 31 or repair project or improvement with an estimated cost in
22 32 excess of ~~fifty~~ one hundred thousand dollars.

CODE: Increases the dollar value cap on the use of inmate labor from \$50,000 per project to \$100,000 per maintenance project.

22 33 Sec. 22. Section 904A.4B, Code 2009, is amended to read as
22 34 follows:
22 35 904A.4B Executive director of the board of parole == duties.
23 1 1. The chief administrative officer of the board of
23 2 parole shall be the executive director , except as provided in
23 3 subsection 2 . The executive director shall be appointed by the
23 4 chairperson, subject to the approval of the board and shall
23 5 serve at the pleasure of the board. The executive director
23 6 shall do all of the following:
23 7 4. a. Advise the board on matters relating to parole,
23 8 work release, and executive clemency, and advise the board on
23 9 matters involving automation and word processing.
23 10 ~~2.~~ b. Carry out all directives of the board.

CODE: Permits the Chairperson of the Board of Parole to serve as Acting Executive Director if necessary.

23 11 ~~3-~~ c. Hire and supervise all of the board's staff pursuant
 23 12 to the provisions of chapter 8A, subchapter IV.
 23 13 ~~4-~~ d. Act as the board's liaison with the general assembly.
 23 14 ~~5-~~ e. Prepare a budget for the board, subject to the
 23 15 approval of the board, and prepare all other reports required
 23 16 by law.
 23 17 ~~6-~~ f. Develop long-range parole and work release planning,
 23 18 in cooperation with the department of corrections.
 23 19 2. If an executive director is not appointed as provided in
 23 20 subsection 1, the chairperson shall serve as acting executive
 23 21 director and perform the administrative duties under subsection
 23 22 1.

23 23 Sec. 23. IOWA COMMUNICATIONS NETWORK. It is the
 23 24 intent of the general assembly that the executive branch
 23 25 agencies receiving an appropriation in this Act utilize
 23 26 the Iowa communications network or secure other electronic
 23 27 communications in lieu of traveling for the fiscal year
 23 28 addressed by the appropriations.

Encourages State agencies that receive an appropriation in this Bill to utilize the Iowa Communications Network in lieu of travel.

23 29 Sec. 24. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
 23 30 DIVISION. There is appropriated from the wireless E911
 23 31 emergency communications fund created in section 34A.7A to the
 23 32 administrator of the homeland security and emergency management
 23 33 division of the department of public defense for the fiscal
 23 34 year beginning July 1, 2010, and ending June 30, 2011, an
 23 35 amount not exceeding \$200,000 to be used for implementation,
 24 1 support, and maintenance of the functions of the administrator
 24 2 and program manager under chapter 34A and to employ the auditor
 24 3 of the state to perform an annual audit of the wireless E911
 24 4 emergency communications fund.

Permits continued funding from the Wireless E911 Emergency Communications Fund for the E911 Program Manager in the Homeland Security and Emergency Management Division of the Department of Public Defense through FY 2011.

DETAIL: The Division receives up to \$200,000 and 2.00 FTE positions for the administration of the wireless E911 service and to employ the State Auditor to perform an annual audit on the Fund.

24 5 Sec. 25. CORRECTIONAL OFFICER AND PEACE OFFICER ==
 24 6 PRIORITY. As a condition of receiving an appropriation in
 24 7 this Act, the department of corrections and the department of
 24 8 public safety shall make every effort to preserve correctional

Requires the DOC and the DPS to preserve correctional and peace officer positions by reducing administrative costs.

24 9 officer and peace officer positions through the reduction of
24 10 administrative and related overhead costs.

24 11 Sec. 26. EFFECTIVE UPON ENACTMENT. The provision of this
24 12 Act eliminating the chief security officer position within
24 13 the department of corrections, being deemed of immediate
24 14 importance, takes effect upon enactment.

The provision eliminating the Chief of Security position in the Central Office of the DOC is effective on enactment.

24 15 EXPLANATION

24 16 This bill makes appropriations from the general fund of the
24 17 state for fiscal year 2010=2011 to the departments of justice,
24 18 corrections, public defense, and public safety, and the Iowa
24 19 law enforcement academy, office of the state public defender,
24 20 board of parole, and Iowa state civil rights commission.

24 21 The bill also appropriates moneys from the department of
24 22 commerce revolving fund created in Code section 546.12 to the
24 23 office of consumer advocate of the department of justice.

24 24 The bill requires the department of corrections to employ
24 25 two part-time nurses at the Luster Heights correctional
24 26 facility, and seek volunteer licensed medical personnel to
24 27 serve at the facility.

24 28 The bill requires the department of corrections to place
24 29 inmates at the Luster Heights facility who have been approved
24 30 by the board of parole for work release but who are expected
24 31 to be waiting in prison for a bed to become available at a
24 32 community-based correctional facility for at least four months,
24 33 unless the placement dislodges an inmate receiving substance
24 34 abuse treatment.

24 35 The bill requires the department of corrections to seek
25 1 volunteer medical personnel to serve at correctional facilities
25 2 throughout the state.

25 3 The bill amends Code section 8A.302 as amended by the 2010
25 4 Iowa Acts, Senate File 2088, to provide that items of a general
25 5 use provided by Iowa state (prison) industries to other state
25 6 agencies under Code section 904.808 are exempt from being
25 7 purchased through the department of administrative services.

25 8 The bill creates the gaming enforcement revolving fund in
25 9 new Code section 80.43.

25 10 Code sections 99D.14 and 99F.10 are amended to provide
25 11 that the portion of the regulatory fee collected from gaming
25 12 interests to pay for special agents and gaming enforcement
25 13 officers plus any direct and indirect support costs for
25 14 such agents and officers for the division of criminal
25 15 investigation's gaming enforcement activities, shall be
25 16 deposited into the gaming enforcement revolving fund.

25 17 The bill creates a standing appropriation from the gaming
25 18 enforcement revolving fund to the department of public safety
25 19 to pay for the special agents and gaming enforcement officers
25 20 and any related gaming enforcement activities of such agents
25 21 or officers.

25 22 The bill provides that the appropriation from the gaming
25 23 enforcement revolving fund shall be used to provide salary and
25 24 support for not more than 115 full-time equivalent positions,
25 25 unless as otherwise provided by law.

25 26 Code section 809A.17 is amended to provide that the
25 27 department of justice shall not retain more than 10 percent
25 28 of any cash forfeiture made by a law enforcement agency or 10
25 29 percent of the gross proceeds from the sale of any forfeited
25 30 real property. The bill requires the balance of any cash
25 31 forfeiture or the proceeds from the sale of forfeited real
25 32 property be distributed to the seizing agency for use by the
25 33 agency or for division among law enforcement agencies and
25 34 county attorneys pursuant to any agreement entered into by the
25 35 seizing agency. In the event of a cash forfeiture in excess
26 1 of \$400,000, the distribution shall be as follows: 45 percent
26 2 shall be retained by the seizing agency; 45 percent shall be
26 3 distributed to other law enforcement agencies within the region
26 4 of the seizing agency; and 10 percent shall be retained by the
26 5 department of justice.

26 6 Code section 904.315 is amended to provide that a contract
26 7 is not required for improvements at a state institution where
26 8 the labor of inmates is used and the estimated cost of the
26 9 improvements does not exceed \$100,000. Currently, the contract
26 10 requirement threshold is \$50,000.

26 11 The bill amends Code section 904A.4B to provide that the
26 12 chairperson may act as executive director of the board of
26 13 parole, if the board does not appoint such a director. The
26 14 duties of the executive director are specified in Code section
26 15 904A.4B.
26 16 The bill eliminates the chief security officer position
26 17 within the department of corrections effective upon enactment.
26 18 LSB 5092HV (1) 83
26 19 jm/jp

Summary Data

General Fund

	Actual FY 2009	Estimated Net FY 2010	Gov Rec FY 2011	House Approp FY 2011	House Approp vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)
Justice System	\$ 532,710,567	\$ 465,588,015	\$ 489,464,972	\$ 484,054,572	\$ 18,466,557	
Grand Total	<u><u>\$ 532,710,567</u></u>	<u><u>\$ 465,588,015</u></u>	<u><u>\$ 489,464,972</u></u>	<u><u>\$ 484,054,572</u></u>	<u><u>\$ 18,466,557</u></u>	

Justice System

General Fund

	Actual FY 2009	Estimated Net FY 2010	Gov Rec FY 2011	House Approp FY 2011	House Approp vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)
<u>Justice, Department of</u>						
Justice, Dept. of						
General Office A.G.	\$ 9,359,691	\$ 7,732,930	\$ 7,732,930	\$ 7,732,930	\$ 0	PG 1 LN 7
Victim Assistance Grants	147,750	3,060,000	3,060,000	3,060,000	0	PG 1 LN 20
Legal Services Poverty Grants	1,970,000	1,759,171	1,759,171	1,930,671	171,500	PG 1 LN 33
Total Justice, Department of	\$ 11,477,441	\$ 12,552,101	\$ 12,552,101	\$ 12,723,601	\$ 171,500	
<u>Civil Rights Commission</u>						
Civil Rights Commission						
Civil Rights Commission	\$ 1,545,232	\$ 1,379,861	\$ 1,379,861	\$ 1,379,861	\$ 0	PG 18 LN 34
Total Civil Rights Commission	\$ 1,545,232	\$ 1,379,861	\$ 1,379,861	\$ 1,379,861	\$ 0	
<u>Corrections, Dept. of</u>						
CBC District 1						
CBC District I	\$ 13,300,371	\$ 11,918,690	\$ 12,453,082	\$ 12,453,082	\$ 534,392	PG 9 LN 13
CBC District 2						
CBC District II	\$ 11,053,717	\$ 9,986,645	\$ 10,770,616	\$ 10,770,616	\$ 783,971	PG 9 LN 20
CBC District 3						
CBC District III	\$ 6,104,702	\$ 5,345,642	\$ 5,715,578	\$ 5,715,578	\$ 369,936	PG 9 LN 23
CBC District 4						
CBC District IV	\$ 5,603,983	\$ 5,179,500	\$ 5,522,416	\$ 5,522,416	\$ 342,916	PG 9 LN 26
CBC District 5						
CBC District V	\$ 19,232,705	\$ 17,350,422	\$ 18,938,081	\$ 18,938,081	\$ 1,587,659	PG 9 LN 29
CBC District 6						
CBC District VI	\$ 14,273,011	\$ 12,408,317	\$ 13,030,356	\$ 13,030,356	\$ 622,039	PG 10 LN 6
CBC District 7						
CBC District VII	\$ 7,265,034	\$ 6,436,995	\$ 6,846,560	\$ 6,846,560	\$ 409,565	PG 10 LN 9
CBC District 8						
CBC District VIII	\$ 7,109,164	\$ 6,391,827	\$ 6,935,622	\$ 6,935,622	\$ 543,795	PG 10 LN 12

Justice System

General Fund

	Actual FY 2009	Estimated Net FY 2010	Gov Rec FY 2011	House Approp FY 2011	House Approp vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)
Central Office						
County Confinement	\$ 967,983	\$ 775,092	\$ 775,092	\$ 775,092	\$ 0	PG 5 LN 1
Federal Prisoners/ Contractual	241,293	215,470	239,411	239,411	23,941	PG 5 LN 6
Corrections Administration	5,047,861	4,329,043	4,491,968	4,254,068	-74,975	PG 5 LN 18
Corrections Education	1,570,358	1,363,707	1,558,109	1,558,109	194,402	PG 6 LN 21
Iowa Corrections Offender Network	427,700	381,928	424,364	424,364	42,436	PG 7 LN 20
Mental Health/Substance Abuse	24,994	22,319	22,319	22,319	0	PG 7 LN 23
Hepatitis Treatment and Education	188,000	167,881	167,881	167,881	0	PG 7 LN 26
Total Central Office	\$ 8,468,189	\$ 7,255,440	\$ 7,679,144	\$ 7,441,244	\$ 185,804	
Fort Madison						
Ft. Madison Institution	\$ 44,737,908	\$ 37,003,223	\$ 41,442,374	\$ 39,991,374	\$ 2,988,151	PG 3 LN 8
Anamosa						
Anamosa Institution	\$ 31,548,089	\$ 28,272,505	\$ 30,356,461	\$ 30,416,461	\$ 2,143,956	PG 3 LN 16
Oakdale						
Oakdale Institution	\$ 59,219,891	\$ 52,781,485	\$ 55,955,246	\$ 55,755,246	\$ 2,973,761	PG 4 LN 3
Newton						
Newton Institution	\$ 28,372,772	\$ 25,230,054	\$ 26,452,257	\$ 26,452,257	\$ 1,222,203	PG 4 LN 7
Mt Pleasant						
Mt. Pleasant Inst.	\$ 27,430,137	\$ 24,494,564	\$ 26,265,257	\$ 26,265,257	\$ 1,770,693	PG 4 LN 11
Rockwell City						
Rockwell City Institution	\$ 9,466,021	\$ 8,452,967	\$ 9,324,565	\$ 9,324,565	\$ 871,598	PG 4 LN 15
Clarinda						
Clarinda Institution	\$ 25,526,358	\$ 21,078,946	\$ 23,645,033	\$ 23,645,033	\$ 2,566,087	PG 4 LN 19
Mitchellville						
Mitchellville Institution	\$ 16,126,292	\$ 14,253,115	\$ 15,486,586	\$ 15,486,586	\$ 1,233,471	PG 4 LN 28
Fort Dodge						
Ft. Dodge Institution	\$ 30,313,681	\$ 26,999,132	\$ 29,020,235	\$ 29,020,235	\$ 2,021,103	PG 4 LN 32
Total Corrections, Dept. of	\$ 365,152,025	\$ 320,839,469	\$ 345,839,469	\$ 344,010,569	\$ 23,171,100	

Justice System

General Fund

	Actual FY 2009	Estimated Net FY 2010	Gov Rec FY 2011	House Approp FY 2011	House Approp vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)
<u>Inspections & Appeals, Dept. of</u>						
Public Defender						
Public Defender	\$ 21,465,998	\$ 19,568,864	\$ 21,743,182	\$ 21,743,182	\$ 2,174,318	PG 12 LN 35
Indigent Defense Appropriation	33,013,300	21,608,247	19,433,929	15,680,929	-5,927,318	PG 13 LN 5
Total Inspections & Appeals, Dept. of	\$ 54,479,298	\$ 41,177,111	\$ 41,177,111	\$ 37,424,111	\$ -3,753,000	
<u>Law Enforcement Academy</u>						
Law Enforcement Academy						
Law Enforcement Academy	\$ 1,275,199	\$ 1,049,430	\$ 1,049,430	\$ 1,049,430	\$ 0	PG 13 LN 9
Total Law Enforcement Academy	\$ 1,275,199	\$ 1,049,430	\$ 1,049,430	\$ 1,049,430	\$ 0	
<u>Parole, Board of</u>						
Parole Board						
Parole Board	\$ 1,251,903	\$ 1,045,259	\$ 1,045,259	\$ 1,045,259	\$ 0	PG 14 LN 8
Total Parole, Board of	\$ 1,251,903	\$ 1,045,259	\$ 1,045,259	\$ 1,045,259	\$ 0	
<u>Public Defense, Dept. of</u>						
Public Defense, Dept. of						
Public Defense, Department of	\$ 6,361,947	\$ 5,624,281	\$ 6,249,201	\$ 6,249,201	\$ 624,920	PG 14 LN 24
Emergency Management Division						
Homeland Security & Emer. Mgmt.	\$ 2,212,722	\$ 1,834,307	\$ 2,038,119	\$ 2,038,119	\$ 203,812	PG 15 LN 1
Total Public Defense, Dept. of	\$ 8,574,669	\$ 7,458,588	\$ 8,287,320	\$ 8,287,320	\$ 828,732	

Justice System

General Fund

	Actual FY 2009	Estimated Net FY 2010	Gov Rec FY 2011	House Approp FY 2011	House Approp vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)
<u>Public Safety, Department of</u>						
Public Safety, Dept. of						
Public Safety - Department Wide Duties	\$ 0	\$ 1,419,288	\$ 0	\$ 0	\$ -1,419,288	
Public Safety Administration	4,470,414	3,952,071	4,134,461	4,134,461	182,390	PG 15 LN 24
Public Safety DCI	21,506,406	19,012,743	12,861,710	12,861,710	-6,151,033	PG 15 LN 29
DCI - Crime Lab Equipment/Training	342,000	302,345	302,345	302,345	0	PG 17 LN 3
Narcotics Enforcement	6,501,493	5,747,647	6,507,048	6,507,048	759,401	PG 17 LN 6
Public Safety Undercover Funds	123,343	109,042	109,042	109,042	0	PG 17 LN 16
DPS Fire Marshal	4,060,859	3,590,003	4,343,896	4,343,896	753,893	PG 17 LN 19
Iowa State Patrol	50,971,409	45,061,285	48,984,147	48,984,147	3,922,862	PG 17 LN 30
DPS/SPOC Sick Leave Payout	316,179	279,517	279,517	279,517	0	PG 18 LN 9
Fire Fighter Training	662,697	612,255	612,255	612,255	0	PG 18 LN 14
Total Public Safety, Department of	\$ 88,954,800	\$ 80,086,196	\$ 78,134,421	\$ 78,134,421	\$ -1,951,775	
Total Justice System	\$ 532,710,567	\$ 465,588,015	\$ 489,464,972	\$ 484,054,572	\$ 18,466,557	

Summary Data

Other Funds

	Actual FY 2009	Estimated Net FY 2010	Gov Rec FY 2011	House Approp FY 2011	House Approp vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)
Justice System	\$ 0	\$ 3,138,888	\$ 3,336,344	\$ 12,188,119	\$ 9,049,231	
Grand Total	\$ 0	\$ 3,138,888	\$ 3,336,344	\$ 12,188,119	\$ 9,049,231	

Justice System

Other Funds

	Actual FY 2009	Estimated Net FY 2010	Gov Rec FY 2011	House Approp FY 2011	House Approp vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)
<u>Justice, Department of</u>						
Consumer Advocate						
Consumer Advocate - Fd. 0019	\$ 0	\$ 3,138,888	\$ 3,336,344	\$ 3,336,344	\$ 197,456	PG 2 LN 22
Total Justice, Department of	<u>\$ 0</u>	<u>\$ 3,138,888</u>	<u>\$ 3,336,344</u>	<u>\$ 3,336,344</u>	<u>\$ 197,456</u>	
<u>Public Safety, Department of</u>						
Public Safety, Dept. of						
Gaming Enforcement-GERF	\$ 0	\$ 0	\$ 0	\$ 8,851,775	\$ 8,851,775	PG 19 LN 30
Total Public Safety, Department of	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 8,851,775</u>	<u>\$ 8,851,775</u>	
Total Justice System	<u><u>\$ 0</u></u>	<u><u>\$ 3,138,888</u></u>	<u><u>\$ 3,336,344</u></u>	<u><u>\$ 12,188,119</u></u>	<u><u>\$ 9,049,231</u></u>	

Summary Data

FTE

	Actual FY 2009	Estimated Net FY 2010	Gov Rec FY 2011	House Approp FY 2011	House Approp vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)
Justice System	6,042.38	6,355.35	5,925.68	5,941.68	-413.67	
Grand Total	6,042.38	6,355.35	5,925.68	5,941.68	-413.67	

Justice System

FTE

	Actual FY 2009	Estimated Net FY 2010	Gov Rec FY 2011	House Approp FY 2011	House Approp vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)
<u>Justice, Department of</u>						
Justice, Dept. of						
General Office A.G.	214.97	232.50	232.50	232.50	0.00	PG 1 LN 7
Victim Compensation Fund	21.60	22.00	22.00	22.00	0.00	PG 1 LN 26
Total Justice, Dept. of	236.57	254.50	254.50	254.50	0.00	
Consumer Advocate						
Consumer Advocate - Fd. 0019	20.35	27.00	27.00	27.00	0.00	PG 2 LN 22
Total Justice, Department of	256.92	281.50	281.50	281.50	0.00	
<u>Civil Rights Commission</u>						
Civil Rights Commission						
Civil Rights Commission	31.81	29.50	29.50	29.50	0.00	PG 18 LN 34
Total Civil Rights Commission	31.81	29.50	29.50	29.50	0.00	
<u>Corrections, Dept. of</u>						
CBC District 1						
CBC District I	187.75	201.50	189.51	189.51	-11.99	PG 9 LN 13
CBC District 2						
CBC District II	159.94	157.94	156.89	156.89	-1.05	PG 9 LN 20
CBC District 3						
CBC District III	77.89	81.99	78.99	78.99	-3.00	PG 9 LN 23
CBC District 4						
CBC District IV	69.00	75.00	68.60	68.60	-6.40	PG 9 LN 26
CBC District 5						
CBC District V	272.45	288.12	266.45	266.45	-21.67	PG 9 LN 29
CBC District 6						
CBC District VI	203.13	216.06	191.63	191.63	-24.43	PG 10 LN 6
CBC District 7						
CBC District VII	105.45	105.45	95.45	95.45	-10.00	PG 10 LN 9
CBC District 8						
CBC District VIII	93.80	97.15	93.00	93.00	-4.15	PG 10 LN 12

Justice System

FTE

	Actual FY 2009	Estimated Net FY 2010	Gov Rec FY 2011	House Approp FY 2011	House Approp vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)
Central Office						
Corrections Administration	45.36	47.18	41.00	41.00	-6.18	PG 5 LN 18
Fort Madison						
Ft. Madison Institution	516.83	556.50	489.00	489.00	-67.50	PG 3 LN 8
Anamosa						
Anamosa Institution	348.73	356.25	334.75	350.75	-5.50	PG 3 LN 16
Oakdale						
Oakdale Institution	559.75	610.50	565.00	565.00	-45.50	PG 4 LN 3
Newton						
Newton Institution	321.19	351.00	307.00	307.00	-44.00	PG 4 LN 7
Mt Pleasant						
Mt. Pleasant Inst.	301.79	319.56	298.16	298.16	-21.40	PG 4 LN 11
Rockwell City						
Rockwell City Institution	106.99	113.00	106.00	106.00	-7.00	PG 4 LN 15
Clarinda						
Clarinda Institution	282.46	303.20	277.10	277.10	-26.10	PG 4 LN 19
Mitchellville						
Mitchellville Institution	186.29	198.00	185.00	185.00	-13.00	PG 4 LN 28
Fort Dodge						
Ft. Dodge Institution	334.54	366.00	319.00	319.00	-47.00	PG 4 LN 32
Total Corrections, Dept. of	<u>4,173.33</u>	<u>4,444.40</u>	<u>4,062.53</u>	<u>4,078.53</u>	<u>-365.87</u>	
<u>Inspections & Appeals, Dept. of</u>						
Public Defender						
Public Defender	200.97	203.00	203.00	203.00	0.00	PG 12 LN 35
Total Inspections & Appeals, Dept. of	<u>200.97</u>	<u>203.00</u>	<u>203.00</u>	<u>203.00</u>	<u>0.00</u>	
<u>Law Enforcement Academy</u>						
Law Enforcement Academy						
Law Enforcement Academy	26.94	29.55	30.55	30.55	1.00	PG 13 LN 9
Total Law Enforcement Academy	<u>26.94</u>	<u>29.55</u>	<u>30.55</u>	<u>30.55</u>	<u>1.00</u>	

Justice System

FTE

	Actual FY 2009	Estimated Net FY 2010	Gov Rec FY 2011	House Approp FY 2011	House Approp vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)	(6)
<u>Parole, Board of</u>						
Parole Board						
Parole Board	11.97	18.50	13.50	13.50	-5.00	PG 14 LN 8
Total Parole, Board of	11.97	18.50	13.50	13.50	-5.00	
<u>Public Defense, Dept. of</u>						
Public Defense, Dept. of						
Public Defense, Department of	301.38	313.30	324.00	324.00	10.70	PG 14 LN 24
Emergency Management Division						
Homeland Security & Emer. Mgmt.	57.74	33.10	33.00	33.00	-0.10	PG 15 LN 1
Total Public Defense, Dept. of	359.12	346.40	357.00	357.00	10.60	
<u>Public Safety, Department of</u>						
Public Safety, Dept. of						
Public Safety Administration	39.17	39.00	36.00	36.00	-3.00	PG 15 LN 24
Public Safety DCI	275.45	287.50	277.10	277.10	-10.40	PG 15 LN 29
Narcotics Enforcement	75.26	81.00	75.00	75.00	-6.00	PG 17 LN 6
DPS Fire Marshal	56.10	59.00	57.00	57.00	-2.00	PG 17 LN 19
Iowa State Patrol	535.35	536.00	503.00	503.00	-33.00	PG 17 LN 30
Total Public Safety, Department of	981.32	1,002.50	948.10	948.10	-54.40	
Total Justice System	6,042.38	6,355.35	5,925.68	5,941.68	-413.67	